

**18389. Adulteration and misbranding of ether. U. S. v. Five 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 25585. I. S. No. 27321. S. No. 3897.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Indiana.

On December 29, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five 1-pound cans of ether at South Bend, Ind., alleging that the article had been shipped by the New York Quinine & Chemical Works, from Brooklyn, N. Y., on or about August 9, 1930, and had been transported from the State of New York into the State of Indiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia, U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and the true standard of strength, quality, or purity of the article was not stated plainly on the cans.

Misbranding was alleged for the reason that the statement on the label of the can, "Ether for Anesthesia U. S. P.," was false and misleading in that the article contained other ingredients.

On June 11, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18390. Misbranding of Moore's herb bitters. U. S. v. 70 Bottles of Moore's Herb Bitters. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 25806. I. S. No. 8168. S. No. 4031.)

Examination of a drug product, known as Moore's herb bitters, from the shipment herein described having shown that the bottle and carton labels and the accompanying circular and display card bore statements representing that the article possessed curative and therapeutic properties which it did not possess, also that it was represented to be a vegetable preparation, whereas it contained a mineral drug, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On January 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 70 bottles of the said Moore's herb bitters at Memphis, Tenn., alleging that the article had been shipped by the Moore Drug Co., from Hot Springs, Ark., on or about September 20, 1930, and had been transported from the State of Arkansas into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium salicylate, extracts of plant drugs including a laxative drug, and water.

It was alleged in the libel that the article was misbranded in that the statement on the label, "Herb Bitters \* \* \* An Excellent Preparation Composed of Roots and Herbs," was false and misleading. Misbranding was alleged for the further reason that the following statements in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "For Liver, Kidneys, Stomach, Chills and Fever, Dyspepsia, Indigestion, \* \* \* Malaria, Ague, Rheumatism \* \* \* General Debility, Female Weakness, \* \* \* Directions for Liver \* \* \* Indigestion \* \* \* Kidney and Stomach Troubles \* \* \* For Rheumatism and Female Weakness;" (carton) "Blood, Liver, Kidney, Stomach \* \* \* Acting Gently on the Liver, Stomach and Bowels; Cleaning the System; Aiding Digestion, Relieving \* \* \* Kidney Trouble, Dizziness, \* \* \* Catarrh \* \* \* Fills you full of 'Pep' \* \* \* Liver, Kidney, Stomach \* \* \* The Great Blood and Liver Tonic For Blood, Liver, Kidney and Stomach Troubles, Dyspepsia, Indigestion, \* \* \* Dizziness \* \* \* Insomnia, General Debility, \* \* \* Eruptions of the Skin, Pimples, Blotches, Blackheads, Malaria, Chills and Fever, \* \* \* Catarrh, Ague \* \* \* one of the most potent and